

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3315 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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HIMATBHAI B PARMAR & OTHERS

Versus

CHIEF OFFICER

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Appearance:

MR GK UPADHYAY for Petitioners

MR MC SHAH for Respondent No. 1

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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 17/04/2000

ORAL JUDGEMENT

None appears for the petitioners. Present petition has been filed by the petitioners for a direction to quash a notice issued by Navsari Municipality. The petitioners are carrying on business by constructing cabins on public path and also by

constructing temporary structures on the public road. The respondent municipality has issued a notice giving 30 days time to the petitioners to remove cabins and structures to clear the public road. Feeling aggrieved by the notice issued by the Navsari Municipality, the petitioners have filed this writ petition. It is admitted by the petitioners that they have constructed cabins and put structures on public road, and therefore, I am of the view that they have not acquired any right to put cabins and make temporary structures on the public road and to continue the said right. Their business in the cabins and temporary structures which they have constructed on the public road, may be on payment of tax to Municipality or of bills to electricity department, but that do not confer any right to the petitioners to continue their business on the public road. Therefore, I am of the view that no error of law has been committed by the respondent municipality in issuing the notice directing the petitioners to vacate the public road. There is, therefore, no merits in the present petition and accordingly it is dismissed. Rule is discharged. Ad-interim relief granted earlier stands vacated. In the facts of the case, I make no order as to costs.

Date:17/4/2000. (P.K.SARKAR,J.)

ccshah